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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Misc. Appeal (C.) No. 1303/2007

APPELLANT: APPLICANT

Siba Tarjin, aged about 15 years, D/o Sheikh Naseem, minor Through father and natural guardian Sheikh Naseem, R/o Chuchiyapara, Ganeshnagar, P.O. & Distt. Bilaspur (C.G.)

Versus

RESPONDENTS NON-APPLICANTS

1. Chandrakant Shrivas, aged about 30 years, S/o Girdhari Lal Shrivas
2. Harmoon Devi Shrivas W/o Girdhari Lal Shrivas, aged 30 years
   Both residents of village Kodia, P.S. Seepat, Tah. & Distt. Bilaspur (C.G.)
3. The New India Assurance Co. Ltd., through Branch Manager, Branch Office- Rajiv Plaza, Bus Stand, P.O. & Distt. Bilaspur (C.G.)

Appeal Under Section 173 of Motor Vehicles Act,1988

Present :

Shri B.R. Ghosh, counsel for the appellant.

ORAL ORDER

(Passed on 20th November, 2007)

Heard on admission.

2. The appellant is aggrieved by an award dated 16-08-2007 passed by 1st Additional Motor Accidents Claims Tribunal, Bilaspur (hereinafter referred to as "the MACT) in Claims Case No.92/2007 whereby in a case of 10% permanent disability suffered by a 15 years old girl due to fracture of tibia and fibula bone of the right leg, compensation of Rs.70,000/- was awarded as under:

Sl.No.	Description	Amount (in Rupees)
01.	Towards Medical expenses	30,000/-
02.	Towards pain and suffering	5,000/-
03.	Towards loss of amenities in life	10,000/-
04.	Towards loss of income during treatment of parents	5,000/-
05.	Expenses incurred towards special diet and conveyance	5,000/-
06.	Towards permanent disability	15,000/-
	Total ...	70,000/-

3. Learned counsel for the appellant has assailed the impugned award in this appeal for enhancement of compensation on the sole ground that since the appellant/claimant had suffered 10% permanent disability resulting in shortening of the leg, therefore, her marriage prospects were adversely effected and under this conventional head, no amount has been awarded. However, upon a careful perusal of the impugned award, it is noticed that the claimant did not suffer shortening of the leg on account of injury suffered by her but suffered only mal-union of the tibia and fibula bone. No material was placed to substantiate that the marriage prospects of the appellant/claimant were adversely effected.

4. In this view of the matter, I am of the opinion that in the facts and circumstances, compensation awarded by the MACT is just and reasonable compensation and calls for no interference.

5. Accordingly, this appeal is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr